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**FACSIMILE COVER SHEET**

**Company:** United States Patent & Trademark Office  
**Fax Number:** (571) 273-8300

**From:** Kenneth M. Kaslow  
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**Date:** March 27, 2006  
**Total pages:** 11 (includes cover sheet)

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MAR 27 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/853,816	
	Filing Date	May 11, 2001	
	First Named Inventor	Tobagi	
	Art Unit	2665	
	Examiner Name	M. U. Phan	
Total Number of Pages In This Submission	10	Attorney Docket Number	PA1689US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Carr & Ferrell LLP	
Signature	<i>Kenneth M. Kaslow</i>	
Printed name	Kenneth M. Kaslow	
Date	March 27, 2006	Reg. No. 32,246

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Kenneth M. Kaslow</i>	
Typed or printed name	Kenneth M. Kaslow	Date March 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 27 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tobagi et al.  
APPLICATION NO.: 09/853,816  
FILED: May 11, 2001  
TITLE: System and Method for Controlling Data Transfer Rates on  
a Network  
EXAMINER: Man U. Phan  
ART UNIT: 2665  
ATTY.DKT.NO.: PA1689US

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## CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. § 1.8

I hereby certify this amendment is being faxed to 1.571.273.8300 on March 27, 2006.

  
Kenneth M. Kaslow

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MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
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## AMENDMENT D

Examiner Phan:

In response to the non-final office action mailed January 20, 2006 (*Office Action*), please consider the following amendments and remarks. Amendments to the claims begin on page two. Applicants' remarks may be found on page eight. The Applicants' conclusion as to the allowability of this application appears on page nine.